

Maryland League of Conservation Voters, Maryland Sierra Club, Clean Water Action, Center for Progressive Reform, NAACP Maryland State Conference, CASA, Frack-Free Frostburg, Wicomico County NAACP, Concerned Citizens Against Industrial CAFOS, 350 MoCo, Assateague Coastal Trust, Audubon Mid-Atlantic, Blue Water Baltimore, Chesapeake Climate Action Network, CCAN Action Fund, Clean Air Task Force, Elders Climate Action Maryland Chapter, FSi Engineers, Greenbelt Climate Action Network, Indivisible Howard County Climate Action, Interfaith Partners for the Chesapeake, Interfaith Power & Light (DC.MD.NoVA), Locust Point Community Garden, Maryland Pesticide Education Network, MD Campaign for Environmental Human Rights, MLC Climate Justice Wing, National Aquarium, National Housing Trust, Strong Future Maryland, Unitarian Universalist Legislative Ministry of Maryland, MaryPIRG Student Climate Action Coalition, Climate Parent's of Prince George's, and Maryland Public Health Association

March 23, 2022

The above-signed groups and organizations urge you to **support SB 528 Climate Solutions Now, and strengthen this legislation by adopting the consensus environmental justice amendments below**. The amendments (attached) offer consistent, evidence-based, and data-driven criteria to define “underserved” and “overburdened” communities, which should be included directly in the language of the bill. The consensus definitions below were developed with extensive community input and are the result of a concerted and unified effort from advocates, academics and policy makers.

SB528 directs the Maryland Department of the Environment to study cumulative impacts and define/identify communities disproportionately affected by climate change. As MDE undertakes the work to identify communities disproportionately affected by climate change, we recommend using these consensus definitions of “overburdened” and “underserved” communities be included at a minimum. Including these definitions in the bill text is critical and will save MDE and the CEJSC time and money as they direct climate investment to communities that need it the most.

Consensus Definitions

❖ **Underserved Community**

The indicators used to identify underserved communities are based on U.S. Census data averages to capture communities with a higher proportion of non-white, low-income, and linguistically isolated residents than the statewide average. Communities with these characteristics often have higher rates of adverse health outcomes like asthma and heart disease, lack access to health-promoting infrastructure, and are more likely to live near polluting facilities. Underserved communities represent about 60% of the state’s census tracts. Community stakeholders expressed a strong preference for the term “underserved community” compared to “disadvantaged community.”

❖ **Overburdened Community**

Communities are overburdened when they suffer a combination of environmental harms that are higher than 75% of the rest of the state. This burden is specifically tied to

Contacts: Emily Ranson, Maryland Director, Clean Water Action, eranson@cleanwater.org, 410-921-9229
Rebecca Rehr, Director of Climate Policy and Justice, Maryland League of Conservation Voters, rrehr@mdlcv.org, 443-668-7467
Katlyn Schmitt, Policy Analyst, Center for Progressive Reform, kschmitt@progressivereform.org, 240-320-7711

exposure. While there is a long history of strong correlation between race, language, or income and pollution load, not all underserved communities should be assumed to have higher pollution burdens and not all overburdened communities are also underserved.

❖ **Petition Language**

No dataset is perfect or 100% complete, and this is why having a petition process so that communities who may not show up on the map have the chance to demonstrate that they should be included as an overburdened community. The petition highlights four categories and clarifies that meeting all four criteria excludes them from the ability to be considered an overburdened community.

[Maryland's long history of environmental injustice includes years of decisions that place polluting industries in low-income communities of color and decades of underinvestment.](#) While not unique to Maryland, we do have a responsibility and opportunity to remediate past injustices and prevent further harm through the passage of strong environmental health and equity laws.

Examples of environmental injustice:

- Today, climate change is bringing heatwaves, floods, and extreme weather across Maryland. Too often, communities at the frontline of these disasters are also those that have received the greatest health impacts from pollution, the most racial and economic discrimination, and the fewest resources to tackle them.
- Maryland is the birthplace of redlining, the practice of denying federally-backed mortgages in Black neighborhoods, which started here as Ordinance 610 in Baltimore to outlaw Black residents from moving to White blocks. The repercussions of redlining and other race-based laws are still seen in lasting lower rates of homeownership, less generational wealth, and worse health outcomes.
- In Baltimore the need for equity-based climate investments can be seen in the difference between the coolest and the hottest neighborhood in the city: [eight degrees](#). In the hotter neighborhoods, there are higher rates of chronic illnesses like asthma and COPD. The hotter neighborhoods are poorer, with less access to green space. The hottest neighborhoods in Baltimore have clear links to the maps created as part of redlining and racial covenants and now suffer from heat and poorly insulated homes. Neighborhoods suffering from the urban heat island effect and other environmental inequities need restorative investments from the state in order to reverse the decisions of the past and build toward a more equitable future.
- In Garrett County, Oakland's economy is threatened by reduced snowfall. Through no fault of their own western Maryland is poised to suffer negative climate impacts on tourism and winter sports. MDE could designate a community like Oakland vulnerable.

Please pass SB 528 Climate Solutions Now with these carefully crafted definitions for a strong and effective policy that protects Maryland's most vulnerable communities. Maryland residents cannot wait any longer for these past-due considerations.

Senate Bill 528 Environmental Justice Amendments

*New language in red; note: some language removed altogether

Bill Page 12, Lines 22-35 and Bill Page 13, Lines 1-26

(A) ON OR BEFORE DECEMBER 31, 2023, THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES, SHALL:

- (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT A METHODOLOGY FOR IDENTIFYING COMMUNITIES DISPROPORTIONATELY AFFECTED BY CLIMATE CHANGE;
- (2) DEVELOP SPECIFIC STRATEGIES TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS, REDUCE EMISSIONS OF GREENHOUSE GASES AND CO-POLLUTANTS, AND BUILD CLIMATE EQUITY AND RESILIENCE WITHIN COMMUNITIES DISPROPORTIONATELY AFFECTED BY CLIMATE CHANGE;
- (3) SET APPROPRIATE GOALS FOR THE PERCENTAGE OF STATE FUNDING **NOT TO BE LESS THAN 40 PERCENT** FOR GREENHOUSE GAS EMISSION REDUCTION MEASURES THAT SHOULD BE USED FOR THE BENEFIT OF **COMMUNITIES DISPROPORTIONATELY AFFECTED BY CLIMATE CHANGE**; AND
- (4) REPORT TO THE MARYLAND COMMISSION ON CLIMATE CHANGE AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE POLICIES AND PROGRAMS DEVELOPED UNDER THIS SUBSECTION.

(B) IN EVALUATING METHODOLOGIES UNDER SUBSECTION (A)(1) OF THIS SECTION, THE DEPARTMENT SHALL INCLUDE THE MINIMUM:

- (1) **UNDERSERVED COMMUNITIES**, defined as including any census tract, as determined in accordance with the most recent United States census, in which:
 1. At least 25 percent of the residents qualify as low-income; or
 2. At least 50 percent of the residents identify as non-white; or
 3. At least 15 percent of the residents have limited English proficiency; AND
- (2) **OVERBURDENED COMMUNITIES**, defined as including any census tract for which 3 or more of the below environmental and health indicators are above the 75th percentile statewide:
 1. PM 2.5
 2. Ozone

3. NATA diesel PM
4. NATA cancer risk
5. NATA respiratory hazard index
6. Traffic proximity
7. Lead paint indicator
8. Superfund proximity (npl sites)
9. Risk management plan facilities proximity
10. Hazardous waste proximity
11. Wastewater discharge indicator
12. Proximity to a Confined Animal Feeding Operation (CAFO)
13. % population lacking broadband coverage
14. Asthma Emergency Room Discharges
15. Myocardial Infarction Discharges
16. Low Birth Weight Infants
17. Proximity to power plants
18. Proximity to a TRI facility
19. (Proximity to a brownfield
20. Proximity to mining operations
21. Proximity to a hazardous waste landfill
22. Proximity to an unincorporated community; AND

(3) AREAS THAT ARE VULNERABLE TO THE IMPACTS OF CLIMATE CHANGE, SUCH AS FLOODING, STORM SURGES, AND URBAN HEAT ISLAND EFFECTS, DUE TO LOW LEVELS OF TREE COVERAGE, HIGH LEVELS OF IMPERVIOUS SURFACES, OR OTHER FACTORS.

(C) ANY AREA THAT DOES NOT MEET THE ABOVE NUMERIC CRITERIA FOR UNDERSERVED AND OVERBURDENED COMMUNITY MAY PETITION THE SECRETARY OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO BE DESIGNATED AS AN UNDERSERVED AND OVERBURDENED COMMUNITY BY:

(I) IN ORDER TO DESIGNATE AN AREA AS AN UNDERSERVED AND OVERBURDENED COMMUNITY, THE SECRETARY MUST MAKE FINDINGS WITH RESPECT TO WHETHER THE AREA MEETS EACH OF THE FOLLOWING CRITERIA:

- (A) THE ANNUAL MEDIAN HOUSEHOLD INCOME OF THAT AREA EXCEEDS 125 PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME;
- (B) A MAJORITY OF PERSONS AGE 25 AND OLDER IN THAT AREA HAVE A COLLEGE EDUCATION;

(C) THE NEIGHBORHOOD DOES NOT BEAR AN UNFAIR BURDEN OF ENVIRONMENTAL POLLUTION; AND

(D) THE NEIGHBORHOOD HAS MORE THAN LIMITED ACCESS TO NATURAL RESOURCES, INCLUDING OPEN SPACES AND WATER RESOURCES, PLAYGROUNDS, AND OTHER CONSTRUCTED OUTDOOR RECREATIONAL FACILITIES AND VENUES.

(II) IF ALL OF THE CRITERIA ARE MET, THE SECRETARY SHALL NOT DESIGNATE THE AREA AS AN UNDERSERVED AND OVERBURDENED COMMUNITY.”

(D) IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS SECTION, THE DEPARTMENT SHALL...